

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, PUTNAM COUNTY,
WESTCHESTER COUNTY, DAVID LEVINE,
THOMAS MCINTYRE, WALTER BROVARSKI,
EUGENE TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, MILLARD HYLAND, PETER INSERO, and
LEGAL AID SOCIETY OF WESTCHESTER
COUNTY,

Defendants.

Index No. CV-07-8150 (KMK)(GAY)

STIPULATION OF DISMISSAL
WITH PREJUDICE

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, WESTCHESTER
COUNTY, DAVID LEVINE, THOMAS
MCINTYRE, WALTER BROVARSKI, EUGENE
TUMOLO, JOHN AND JANE DOE
SUPERVISORS, DANIEL STEPHENS, LOUIS
ROH, AND MILLARD HYLAND,

Defendants.

Index No. CV-07-9488 (KMK)(GAY)

CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE COMPANY as
successor-in-interest to NORTH RIVER
INSURANCE COMPANY,

Caption continued on next page

Caption continued from previous page

NORTH RIVER INSURANCE COMPANY,

TIG INSURANCE COMPANY as successor-in-interest to INTERNATIONAL INSURANCE COMPANY,

WESTPORT INSURANCE COMPANY as successor-in-interest to INTERNATIONAL INSURANCE COMPANY,

UNDERWRITERS AT LLOYD'S, LONDON,

CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA INTERNATIONAL REINSURANCE COMPANY,

CX REINSURANCE COMPANY LIMITED as successor-in-interest to CNA REINSURANCE OF LONDON, LIMITED,

SPHERE DRAKE INSURANCE PLC,

ILLINOIS UNION INSURANCE COMPANY,

UNITED NATIONAL INSURANCE COMPANY,

TRAVELERS INDEMNITY COMPANY as successor-in-interest to GULF INSURANCE COMPANY,

AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to AMERICAN PROTECTION INSURANCE COMPANY,

AMERICAN MOTORISTS INSURANCE COMPANY as successor-in-interest to SPECIALTY NATIONAL INSURANCE COMPANY,

Caption continued on next page

Caption continued from previous page

HARCO NATIONAL INSURANCE COMPANY,

ILLINOIS NATIONAL INSURANCE
COMPANY, and

MARKEL AMERICAN INSURANCE
COMPANY,

Third-Party Defendants.

WHEREAS, Third-Party Plaintiff City of Peekskill ("Plaintiff" or "Peekskill") has asserted claims against Illinois National Insurance Company ("Illinois National") in the above-entitled action.

WHEREAS, Illinois National issued the following insurance policy to Peekskill (the "Illinois National Policy"):

Illinois National Public Officials Liability Policy	
Policy No.	Policy Period
01-426-58-42	12/31/2008 – 12/31/2009

WHEREAS, Peekskill and Illinois National seek to reduce the expense and burden of litigation to themselves, to the other parties in this action, and to the Court.

NOW, THEREFORE, in consideration of this Stipulation of Dismissal With Prejudice, Peekskill and Illinois National, by and through their respective counsel of record, hereby mutually agree to the following:

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties that all claims against Illinois National with respect to the Illinois National Policy are dismissed with prejudice as against Third-Party Defendant Illinois National Insurance Company pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

IT IS FURTHER STIPULATED AND AGREED, that each undersigned party shall bear its own costs and attorneys' fees.

IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be signed in counterparts with all counterparts together constituting one complete Stipulation and that signatures received by facsimile or e-mail shall be deemed an original for purposes of this Stipulation.


DATED: JANUARY 6, 2012

DATED: JANUARY 5, 2012

ANDERSON KILL & OLICK, P.C.

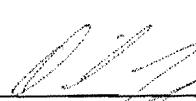
D'AMATO & LYNCH, LLP

BY:



WILLIAM G. PASSANNANTE
STEVEN J. PUDELL
VIANNY M. PICHARDO
1251 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020
WPASSANNANTE@ANDERSONKILL.COM
SPUDELL@ANDERSONKILL.COM
VPICHARDO@ANDERSONKILL.COM
TEL: (212) 278-1000

BY:

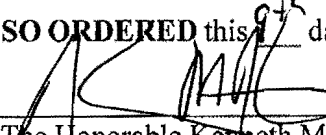


DAVID J. KUFFLER
TWO WORLD FINANCIAL CENTER
NEW YORK, NEW YORK 10281
DKUFFLER@DAMATO-LYNCH.COM
TEL: (212) 269-0927

**ATTORNEYS FOR THIRD-PARTY
DEFENDANT ILLINOIS NATIONAL
INSURANCE COMPANY**

**ATTORNEYS FOR THIRD-PARTY
PLAINTIFF CITY OF PEEKSKILL**

SO ORDERED this 9th day of January, 2012.



The Honorable Kenneth M. Karas
United States District Judge